

JEREMY D. ZIELINSKI
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BY FACSIMILE

Hon. J. Paul Oetken
United States District Judge
U.S. District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
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DATE FILED: JUN 11 2012

Re: Zielinski v. DeFreest, et al.
12-CV-1160 (JPO)

MEMO ENDORSED

June 8, 2012

Dear Judge Oetken:

I write to respectfully request a short extension of time to file a response to the defendants' motion to dismiss (Dkt. No. 16), including service of an amended complaint.

I am a full-time student, and the motion to dismiss was mailed to me during college finals week, so I did not have a chance to review it until the end of the week. The defendants' arguments are not simple and involve constitutional issues that may be first impression (such as whether it violates the First Amendment for probation officers to extra-judicially impose a content-based prior restraint under the guise of a condition requiring their "instructions" to be followed by probationers). I have also been in a family court trial; have an appeal in the 2nd Circuit due June 15th; have a separate civil rights matter in another court; and have been involved in investigations and settlement negotiations challenging violations of NY Correction Law Art. 23-A.¹ The week of June 4-8 is the week of my summer class mid-terms; and all of my summer classes have twice the workload of classes in other semesters because what normally takes twelve weeks is done in only six. I am employed full-time in a night shift position. Finally, to get between school, work and home I commute almost 3 hours per day six days per week. Accordingly, despite my best efforts (including going more than 24 hours without sleep more than once), I have simply not had time to finish the papers opposing the defendants' motion.

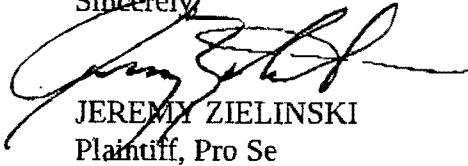
I would therefore ask that I be given until June 22, 2012 to file a cross-motion to amend and opposition to the defendants' motion to dismiss. I do not anticipate a need for further extension to make my response. I have been unable to reach the defendants' attorney, but they were given two extensions to respond to the original complaint and I have not requested any extensions to respond to their motion. It is respectfully submitted that this extension would not prejudice the defendants.

¹ NY Corr. L. Art. 23-A prohibits discriminatory conviction record-based employment denials. I have brought several successful cases challenging this type of discrimination before the State Division of Human Rights in recent months.

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Thank you in advance for your consideration of this request.

Sincerely



JEREMY ZIELINSKI
Plaintiff, Pro Se

cc: Ellen Blain
Assistant U.S. Attorney
Attorney for Defendants
86 Chambers Street, 3rd Floor
New York, NY 10007

Application granted.
Plaintiff's request for
leave to file an amended
complaint is also granted.

SO ORDERED:



J. PAUL OETKEN

U.S.D.J.

6-11-12